

ADMINISTRATION AND FINANCE COMMITTEE

DATE: April 21, 2005

CALLED TO ORDER: 5:10 p.m.

ADJOURNED: 6:12 p.m.

ATTENDANCE

Attending Members

Joanne Sanders, Chairwoman
Vernon Brown
Lynn McWhirter
Mary Moriarty Adams
Jackie Nytes
Lincoln Plowman

Absent Members

Becky Langsford

AGENDA

PROPOSAL NO. 68, 2005 - amends the Code with respect to the Equal Opportunity
Advisory Board and complaint adjudication
"Do Pass"

Vote: 4-2

ADMINISTRATION AND FINANCE COMMITTEE

The Administration and Finance Committee of the City-County Council met on Tuesday, April 19, 2005. Chair Joanne Sanders called the meeting to order at 5:10 p.m., with the following members present: Vernon Brown, Lynn McWhirter, Mary Moriarty Adams, Jackie Nytes, and Lincoln Plowman. Absent was Becky Langsford. Also in attendance was Scott Keller.

PROPOSAL NO. 68, 2005 - amends the Code with respect to the Equal Opportunity Advisory Board and complaint adjudication

Councillor Nytes gave a recap of the discussion on Proposal No. 68, 2005 at the March 15, 2005 Administration and Finance Committee meeting. She said the Equal Opportunity Advisory Board (EOA) provided the committee with some background on the recommendations the EOA board was making to the Council for revisions in the ordinance, which is Proposal No. 68, 2005. Councillor Nytes said that at the March 15, 2005 meeting some amendments were made to Proposal No. 68, 2005 along with a request to postpone Proposal No. 68, 2005 until April 19, 2005. She stated that since the time of postponement, other revisions have been made to Proposal No. 68, 2005. Councillor Nytes said among the suggestions that Robert Elrod, Minority Counsel, clarified, was to not add a new section in the ordinance. Mr. Elrod also identified the need to reflect Proposal No. 67, 2005 (the increase in the goals of Minority Business Enterprises (MBE's) and Women Business Enterprises (WBE's) that the Council passed on March 21, 2005). Councillor Nytes said that the EOA board sub-committee spent a great deal of time on understanding the applications of this ordinance on city and county employees, and new language has been proposed.

Councillor Nytes moved, seconded by Councillor Brown, to "Amend" Proposal No. 68, 2005. The motion carried by a vote of 6-0.

Councillor Nytes recapped the work of the sub-committee: 1) the EOA board is trying to accomplish a structure or redesign of the EOA board in order to be more effective in providing services to the city and county; therefore, they would like to reduce the board to 14 members instead of 22. 2) the board recommends added protection for sexual orientation and gender identity due to the number of complaints received regarding discrimination under these categories. 3) the board recommends updates in the proposal to comply with the current federal law, particularly with housing discrimination and persons with disabilities.

Councillor Plowman asked if definitions of some of the terms are found in the proposal. Councillor Nytes said the definitions can be found in Section 581-103.

Ryan McCann, Director of Indiana Family Institute, said he is in opposition of Proposal No. 68, 2005, particularly with the language of sexual orientation and gender identity. He said these new categories are of a different nature than race, sex, etc. and that these additions are not needed since same sex relationships are tolerated in Indiana. Mr. McCann stated that instead of fixing a problem, the passage of this proposal may create one.

Eric Miller, attorney and founder of Advance America, said that if Proposal No. 68, 2005 should be adopted as it relates to sexual orientation and gender identity, it would grant special rights to a chosen lifestyle. He said this is not an issue of discrimination but the promotion of a lifestyle. Mr. Miller stated that the proposed ordinance would be devastating to businesses and organizations that have families in Indianapolis.

Gary Gibson, Chair of EOA board, said that he urges the Council to pass Proposal No. 68, 2005. This proposal represents the work of 20 people over a two year period. He said the sub-committee tried to bring the ordinance up to standards of today, revised the members of the board, and updated language to bring the ordinance in compliance with federal law. Mr. Gibson said this proposal is about equal opportunity and fairness and nothing else.

Robert Ransom, Administrator of the Division of Equal Opportunity, stated that he also urges the passage of Proposal No. 68, 2005. He said that these changes will help the division operate more efficiently, and it updates the language that has not been changed since 1980. Mr. Ransom said the division does not anticipate any additional cost or case loads due to this proposal.

Margeaux May, citizen, said she is trans-gender and needs security with her job to make sure she can continue to support her family. She said it is very challenging to be trans-gender and employed throughout the transition. Ms. May said her hope for the future is that at some point people can start being honest with their children and themselves.

Janet Fox, citizen, said she is in support of Proposal No. 68, 2005. She stated that she has a gay son that lives in Boston, and unfortunately, if he was to return to Indianapolis, he could legally be denied equal opportunities in employment, access to public accommodations, and acquisition to real estate based solely on his sexual orientation.

Steve Pockrass, member of the EOA board, said he is in support of Proposal No. 68, 2005. He said the work on this proposal has been a long term, bipartisan effort.

Chris Douglas, representative of Indiana Rainbow Chamber of Commerce, said that as Hoosiers we have the right to believe anything we want, but we do not have the right to intimidate, harass, or destroy others' lives. He said it is time to stop the harassment that occurs in the workplace in Indianapolis.

Councillor Keller gave a brief statement comparing the laws that already exist regarding race, religion, and gender and how they are implemented in public policy to provide equal opportunity (Exhibit A). He encouraged his colleagues to support Proposal No. 68, 2005.

Councillor Nytes read a letter from Juli Paini, Mayor's Office of Disability Affairs, to be entered into record (Exhibit B).

Councillor Plowman asked if the EOA board has received many reports of problems with discrimination against people recognized in this proposal. Mr. Gibson said the EOA board started with the existing ordinance and added some revisions as a means of protection. He said the EOA office receives discrimination complaints regularly.

Councillor Brown stated that Proposal No. 68, 2005 is a basic human rights issue. He said all human beings deserve to be treated with dignity and respect. He encouraged his colleagues to support Proposal No. 68, 2005.

[Clerk's Note: Councillor Plowman asked for a ten minute recess]

Councillor Plowman moved, seconded by Councillor McWhirter, to have a five minute recess. The motion carried by a vote of 5-0.

Councillor Nytes said she believes Proposal No. 68, 2005 is an ordinance that will give the message to the best and the brightest that we want them in Indianapolis whatever the conditions of their lives may be. She said that as the capital city, we need to get aboard to make a clear statement that non-discrimination is an important step to take.

Councillor Nytes moved, seconded by Councillor Brown, to send Proposal No. 68, 2005 as amended to the full Council with a "Do Pass" recommendation. The motion passed by a vote of 4-2. Councillors Moriarty Adams and Plowman cast the negative votes.

CONCLUSION

With no further business pending, and upon motion duly made, the Administration and Finance Committee of the City-County Council was adjourned at 6:12 p.m.

Respectfully submitted,

Joanne Sanders, Chairwoman
Administration and Finance Committee

JS/as

Administration and Finance Committee

April 19, 2005

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